

R marks

The sec. 103 rejection of Claims 1, 2, 4 - 7, 9, and 10

These claims were rejected under sec. 103 over what the Office Action characterizes as "Applicant's admitted prior art" combined with Sohnius (3,607,741) or Webb et al (5,082,563). Particularly in view of the amendments to the claims, Applicants suggest that such rejection is improper and should be withdrawn.

Both Sohnius and Webb et al appear to be directed toward a different art field - that of capturing and removing substances such as oil from the surface of a body of water, such as a lake or the ocean surface. Applicants do not dispute that both Sohnius and Webb et al disclose the use of cellulose-based materials to do this, but do so by placing such material (whether in a form such as an elongated "sock" or pad, as in Sohnius; or simply in pelletized form, such as Webb et al) *on the water surface*, to there contact the oil. Neither references appear to disclose flowing of a water stream *through* a vessel containing a filter unit, cellulose based or otherwise, as is claimed in the amended claims.

Addressing the proposed combination: Applicants respectfully dispute that any basis exists to combine any prior art with either Sohnius or Webb. As is well settled, to combine references for a sec. 103 rejection, the references themselves or some other prior art must suggest the combination, see, e.g., *In re Sernaker*, 217 U.S.P.Q. 1 (CAFC 1983); *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 5 U.S.P.Q.2d 1434 (CAFC 1988). In view of the proper legal test, Applicants suggest that the proposed combination is improper, and request that the sec. 103 rejection thereon be withdrawn.

If a future Office Action again rejects the claims based on a combination of references, Applicants request an explanation of the factual basis to support a conclusion that it would be

obvious to make the combination, *Ex Parte Levengood*, 28 USPQ2d 1300 (P.T.O.B.A.&I., 1993); MPEP 706.02.

The sec. 103 rejection of Claims 3 and 8

These claims were rejected under sec. 103 over what the Office Action characterizes as "Applicant's admitted prior art" combined with *Sohnius or Webb et al*, further combined with *Darlington et al* (5,922,206). Applicants suggest that such rejection is improper and should be withdrawn.

Claims 3 and 8 depend from Claims 1 and 6, respectively. Applicant's arguments regarding the independent claims are not repeated here, for the sake of brevity, but are referred to; in view of the patentability of Claims 1 and 6, Claims 3 and 8 are *a fortiori* patentable.

The sec. 103 rejection of Claim 11

Claim 1 was addressed in the first section of these Remarks. Claim 11 being a method of using what is essentially the apparatus of Claim 1, and said apparatus respectfully submitted as patentable, then Claim 11 is *a fortiori* patentable.

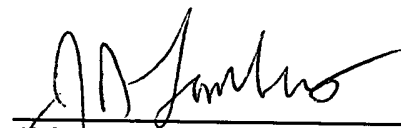
Conclusion

For all of the above reasons, Applicants submit that the claims are in proper form and define patentable subject matter over the cited prior art. Therefore, Applicants respectfully request allowance thereof.

Applicants further respectfully request early consideration of this Response and allowance thereafter. Should the Examiner believe that a telephonic interview would be helpful in resolving any further questions, please contact the undersigned at the listed telephone number.

A duplicate copy of this letter is attached.

Respectfully submitted,



JESSE D. LAMBERT
Registration No. 38,215
Post Office Box 3507
Lafayette, LA 70502-3507
Telephone: (337) 237-2660